

**From:** [Christopher Tackett](#)  
**To:** [Andrew Perrong](#)  
**Cc:** [Graycen Wood](#); [Anthony Paronich](#); [Brian Giles](#); [Adrian Radilla](#)  
**Subject:** RE: Value City Meet and Confer Summary  
**Date:** Wednesday, July 16, 2025 4:38:50 PM

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Hi Andrew,

I have a few updates based on my promised follow up.

1. I have discussed with my client and learned that Value City does not receive names or addresses during the process of a number opting-in to their marketing message program. You obviously are free to ask about this during the deposition.
2. We have another Value City policy that we will be producing yet today.
3. Attentive's legal counsel indicated to me late yesterday that they do not view Value City as having a right to request copies of Attentive's compliance policies.

Christopher Tackett *Member*

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**From:** Andrew Perrong <a@perronglaw.com>  
**Sent:** Wednesday, July 16, 2025 3:35 PM  
**To:** Christopher Tackett <ctackett@baileycav.com>  
**Cc:** Graycen Wood <gwood@baileycav.com>; Anthony Paronich <anthony@paronichlaw.com>; Brian Giles <Bgiles@gilesharper.com>; Adrian Radilla <aradilla@baileycav.com>  
**Subject:** Re: Value City Meet and Confer Summary

As we approach our depositions and the close of discovery, I wanted to know how we were getting along in updates here. Thanks.

On Thu, Jul 10, 2025 at 3:58 PM Christopher Tackett <[ctackett@baileycav.com](mailto:ctackett@baileycav.com)> wrote:

Andrew,

Your overview is mostly accurate. See my notes below:

Rog 5+6. – As we discussed at length, these Rogs. do not request information about the identity of the prior owner of the telephone number. Rather, they ask about the reason for the messages, which we fully provided. Rog. 6 asks broadly if we got the number from some third-party and asks who it was requested in the tone of our client buying a list of numbers, which did not happen. We said that we would check with our client and would likely be able to provide information on who the prior owner of the number was.

Rog 7 – Yes.

RFP 9 – We maintain that this is not required, but on the call I identified the documents that were being referenced generally and said that I would provide that bates range.

RFP 10 & 11 – Yes, except I did not say anything about “provid[ing] a statement.” This is something that I said generally but I didn’t say anything about providing a statement, although I’m sure that you can elicit similar testimony at deposition.

RFP 13 & 14 – Yes, we maintained that these items have no relevance McGonigle’s individual claim and that case law within the Sixth Circuit supports this.

Tax Returns – Yes, this is accurate. You dispute the relevance and we maintain that it is relevant to standing.

Christopher Tackett *Member*

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**From:** Andrew Perrong <[a@perronglaw.com](mailto:a@perronglaw.com)>

**Sent:** Thursday, July 10, 2025 12:39 PM

**To:** Graycen Wood <[gwood@baileycav.com](mailto:gwood@baileycav.com)>; Christopher Tackett <[ctackett@baileycav.com](mailto:ctackett@baileycav.com)>; Anthony Paronich <[anthony@paronichlaw.com](mailto:anthony@paronichlaw.com)>; Brian Giles <[Bgiles@gilesharper.com](mailto:Bgiles@gilesharper.com)>; Adrian Radilla <[aradilla@baileycav.com](mailto:aradilla@baileycav.com)>

**Subject:** Value City Meet and Confer Summary

Counsel,

Thank you for our meet and confer today. To Summarize:

ROG 5+6 - You will get us the individual's name and address for the website opt in. We will likely serve another interrogatory to explicitly ask for more information related to the opt in and individual who submitted it, including IP address and whether the individual had placed an order.

ROG 7 - It appears we are on the same page that we are on a reassigned number situation, and you will supplement to add in a sentence reflecting the same.

RFP 9 - You will identify via bates number the documents responsive to this request.

RFP 10+11 - You will inquire of Attentive if they will produce their policies and promptly advise us of the same. With respect to RFP 11, you will either produce those policies or provide a statement that you relied on Attentive for those policies, and we will attempt to obtain them from Attentive.

We are at an impasse with respect to the complaints and internal DNC lists with respect to RFP 13 and 14 and intend to move to compel. We contend that such complaints are still relevant, even to the Plaintiff's individual claims, including as to the issue of treble damages.

With respect to the Plaintiff's tax returns, we dispute the relevance of the same, and you also intend to move to compel.

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Thank you kindly,  
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